

11/16/01  
JC525 U.S. PTO

11-26-01  
- 1 -

Docket No. 18950-70

11/16/01  
JC525 U.S. PTO  
1099-991863

Practitioner's Docket No. 18950-70

**PATENT**

Preliminary Classification:

Proposed Class:

Subclass:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Box Patent Application**  
**Commissioner for Patents**  
**Washington, D.C. 20231**

**NEW DIVISIONAL APPLICATION TRANSMITTAL**

Transmitted herewith for filing is the patent application of

Inventors: John Francis Gordon

For (title): Apparatus and Method for Carrying out Analysis of Samples Using  
Radiation Detector Output Ratios

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**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date November 16, 2001, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL585705545US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Jessica S. Brown

(type or print name of person mailing paper)

Jessica S. Brown  
Signature of person mailing paper

**1. Type of Application**

This new application is for a(n)

*(check one applicable item below)*

- Original (nonprovisional)
- Design
- Plant

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. §§ 119(e), 120, or 121)**

- The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

**3. Papers Enclosed**

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

24 Pages of specification

9 Pages of claims (5 pages of claims; 4 pages of amended claims)

6 Sheets of drawings as originally filed in the parent and CIP serial no. 09/643,030

       Sheets of formal drawings

*(complete the following, if applicable)*

- The enclosed drawing(s) are formal(s) drawings.
- formal
- informal

B. Other Papers Enclosed

5 Pages of declaration and power of attorney

       Pages of abstract

2 Other ① Revocation/Appointment of Power of Attorney or  
Authorization of Agent  
② Certificate Under 37 CFR 3.73(b) Small Entity Statement

**4. Additional papers enclosed**

- Amendment to claims
  - Cancel in this application claims 2-13 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  - Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- Preliminary Amendment
- Information Disclosure Statement (37 C.F.R. § 1.98)
- Form PTO-1449 (PTO/SB/08A and 08B)

- Citations
- Declaration of Biological Deposit
- Authorization of Attorney(s) to Accept and Follow Instructions From Representative
- Special Comments
- Other

**5. Declaration or oath (including power of attorney)**

- Enclosed

Executed by

*(check all applicable boxes)*

- inventor(s)
- legal representative of inventor(s).  
37 C.F.R. §§ 1.42 or 1.43.
- joint inventor or person showing a proprietary  
interest on behalf of inventor who refused to sign  
or cannot be reached.
  - This is the petition required by 37 C.F.R. § 1.47 and the statement  
required by C.F.R. § 1.47 is also attached. See item 13 below  
for fee
- Not Enclosed.
- Application is made by a person authorized under 37 C.F.R. § 1.41(c) on  
behalf of *all* the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 C.F.R. § 1.16(e)  
can be filed subsequently).*

- Showing that the filing is authorized.  
*(not required unless called into question. 37 C.F.R. § 1.41(d))*

PROOF OF SERVICE

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

The same.

or

Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

is submitted.

will be submitted.

**7. Language**

English

Non-English

The attached translation includes a statement that the translation is accurate.  
37 C.F.R. § 1.52(d).

**8. Assignment**

An assignment of the invention to University Court of the University of Glasgow

is attached. A separate  "COVER SHEET FOR ASSIGNMENT (DOCUMENT)  
ACCOMPANYING NEW PATENT APPLICATION" or  FORM PTO 1595 is enclosed.

will follow       Recorded on July 31, 1997, at Reel 8634 Frame 0810.

SEARCHED, SERIALIZED, INDEXED

**9. Certified Copy**

Certified copy(ies) of application(s)

Country	Appln No.	Filed
Country	Appln No.	Filed
Country from which priority is claimed	Appln No.	Filed

is (are) attached.  
 will follow.

**10. Fee Calculation (37 C.F.R. § 1.16)**

A.  Regular application

CLAIMS AS FILED					
Number Filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a) \$710.00		
Total Claims (37 C.F.R. § 1.16(c))	1	- 20 =	0	x \$ 18.00	0.00
Independent Claims (37 C.F.R. § 1.16(b))	1	- 3 =	0	x \$ 80.00	0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			+ \$260.00		0.00

Amendment canceling extra claims is enclosed.  
 Amendment deleting multiple-dependencies is enclosed.  
 Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 710.00

B.  Design application  
(\$310.00—37 C.F.R. § 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

C.  Plant application  
(\$480.00—37 C.F.R. § 1.16(g))

Filing Fee Calculation \$ \_\_\_\_\_

**11. Small Entity Statement(s)**

Statement(s) that this is a filing by a small entity under 37 C.F.R. § 1.9 and 1.27 is (are) attached.

*(complete the following, if applicable)*

Status as a small entity was claimed in the prior application

09 / 156,475, filed on September 18, 1998, from which benefit

is being claimed for this application under:

35 U.S.C. §  119(e),  
 120,  
 121,  
 365(c),

and which status as a small entity is still proper and desired.

A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of **A**, **B** or **C** above)

\$ 355.00

**12. Request for International-Type Search (37 C.F.R. § 1.104(d))**

*(complete, if applicable)*

Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

**13. Fee Payment Being Made at This Time**

Not Enclosed

No filing fee is to be paid at this time.  
(*This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.*)

Enclosed

Filing Fee \$ 355.00

Recording Assignment  
(\$40.00; 37 C.F.R. § 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION".) \$ \_\_\_\_\_

Petition fee for filing by other than all the  
inventors or person on behalf of the inventor  
where inventor refused to sign or cannot be  
reached  
(\$130.00; C.F.R. §§ 1.47 and 1.17(i)) \$ \_\_\_\_\_

For processing an application with a  
specification in  
a non-English language  
(\$130.00; 37 C.F.R. §§ 1.52(s) and 1.17(k)) \$ \_\_\_\_\_

Processing and retention fee  
(\$130.00; 37 C.F.R. §§ 1.53(d) and 1.21(i)) \$ \_\_\_\_\_

Fee for international-type search report  
(\$40.00; 37 C.F.R. § 1.21(e)) \$ \_\_\_\_\_

Total fees enclosed \$ 355.00

**14. Method of Payment of Fees**

Check in the amount of \$ 355.00

Charge Account No. \_\_\_\_\_ in the amount of  
\$ \_\_\_\_\_.

A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the pendency of this application to Account No.

16-2230

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a)).

37 C.F.R. § 1.17 (application processing fees)

37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

**16. Instructions as to Overpayment**

Credit Account No. 16-2230

Refund

Dated: November 16, 2001

  
\_\_\_\_\_  
Guy Porter Smith, Reg. No. 20,142  
OPPENHEIMER WOLFF & DONNELLY LLP  
2029 Century Park East, Suite 3800  
Los Angeles, California 90067  
(310) 788-5000

**Incorporation by reference of added pages**

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added \_\_\_\_\_ 1 \_\_\_\_\_

Plus Added Pages for Papers Referred to in item 4 Above

Number of pages added \_\_\_\_\_ 1 \_\_\_\_\_

Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application

Number of pages added \_\_\_\_\_

Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added \_\_\_\_\_

**Statement Where No Further Pages Added**

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

This transmittal ends with this page.

DEPARTMENT OF COMMERCE

**ADDED PAGE(S) FOR SPECIAL COMMENTS FOR NEW APPLICATION  
TRANSMITTAL**

THIS APPLICATION IS A DIVISIONAL OF COPENDING APPLICATION SERIAL NO. 09/643,030, FILED AUGUST 21, 2000, WHICH IS A CONTINUATION OF COPENDING APPLICATION SERIAL NO. 09/156,475, NOW U.S. PATENT NO. 6,256,088, FILED SEPTEMBER 18, 1998; WHICH IS A CONTINUATION OF APPLICATION SERIAL NO. 08/809,402, NOW U.S. PATENT NO. 5,892,577, FILED JULY 28, 1997 ISSUED ON APRIL 6, 1999; WHICH IS A 371 CONTINUATION OF PCT/GB95/02186, FILED SEPTEMBER 15, 1995, WHICH CLAIMS PRIORITY FROM UK PATENT APPLICATION NO. 9418981.8 FILED SEPTEMBER 21, 1994.

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